

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

The promise of fair use may be guaranteed under content provider's definition of fair use. The control of this definition must not be absolute; there must be a check, feed back, or competitive mechanism for determining what fair use is.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? It appears to me that a mandated respect of the digital broadcast flag would interfere with innovation outside of the realm of content providers and approved equipment manufacturers.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

A mandate of hardware compliance would effectively exclude existing hardware. It is on the basis of technology's current capabilities that the BPDG claims that the broadcast flag is necessary. •In the absence of a copy protection scheme for digital broadcast television, content providers have asserted that they will not permit high quality programming to be broadcast digitally. •

page 1 [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-02-231A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-231A1.pdf)

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Mandated hardware adherence •closing the box • would significantly hinder the development of new features and services. The broadcast flag itself will not interfere with the evolution of consumer options. From the proposed standard: •It is out of the scope of this standard to assert how any receiving device reacts when the rc\_descriptor is present. • (ATSC Amendment No. 3 to A/65A PSIP 1 April 2002  
[http://www.atsc.org/standards/a\\_65a\\_a1a\\_2\\_3.pdf](http://www.atsc.org/standards/a_65a_a1a_2_3.pdf) )

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

It would discourage competition and innovation among manufacturers, and thereby retard the injection of new ideas into the consumer marketplace. Prices for both content and consumer devices would be expected to remain artificially high in the absence of competition.

Other Comments:

Regulation should not be imposed. Competition among methods for enforcing copy protection is in the public's best interest.